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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/661,909

09/12/2003

Paul B. Aamodt

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06/13/2006

MEDTRONIC, INC.

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MINNEAPOLIS, MN 55432-9924

EXAMINER

MERCADO, JULIAN A

ART UNIT

PAPER NUMBER

1745

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,909

Applicant(s)

AAMODT ET AL.

Examiner

Julian Mercado

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2-7-05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Remarks

The preliminary amendment filed on April 19, 2004 has been entered.

Claims 1-8 and 10-18 are pending.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on February 7, 2005 has been considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 and 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, which is the sole independent claim, recites the limitation “robust coiled electrode” in the preamble. The plain meaning of the term “robust” is one of strength or firmness. As such, the term “robust” is considered a relative term which renders the claim indefinite, as the term is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree of strength or firmness, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

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Claim 13 recites that the current collector is devoid of apertures and perforated “as applicable”. Thus, it is unclear from the claims under what conditions or in what configuration the apertures are absent or under what conditions or in what configuration the perforations are present.

Claims 2-8 and 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelm et al. (U.S. Pat. 5,486,215) in view of Urry (U.S. Pat. 4,333,994).

To the extent that the claims are understood for the reasons set forth under 35 U.S.C. 112, second paragraph (discussion above), Kelm et al. teaches a coiled electrode for a lithium electrochemical cell, comprising an elongated electrode assembly having a coiled but generally flat configuration, said assembly having a final winding comprised of a penultimate turn, a penultimate generally straight segment, a final turn, and a final generally straight segment, such as seen in Figure 15. The electrode is considered robust insofar as being a wound assembly encapsulated in a prismatic casing. See col. 2 line 15 et seq. A substantially planar current collector [5] is disposed adjacent an exterior surface of the final generally straight segment. See

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Figure 1 and col. 4 lines 21-48. A spacer [100] (also deemed readable on the claimed reinforcing element) overlaps a portion of the current collector. See col. 6 line 9 et seq. The spacer/reinforcing element may have a second sheet [110] of material. See col. 6 line 30 et seq. The electrode is surrounded by a dielectric separator [25]. See col. 4 line 60 et seq.

Kelm et al. does not explicitly teach a lateral thickness dimension of the assembly of the final winding being less than the remaining windings. However, Urry teaches a coiled electrode assembly with its outer circumference portion has a thickness less than that of the remaining portions. See col. 1 line 66 et seq., col. 2 line 28 et seq. and col. 4 line 62 et seq. Thus, the skilled artisan would find obvious to modify Kelm et al.'s invention by employing a thickness dimension for the final winding which is less than the remaining windings. The motivation for such a modification is to save space "by the use of a thinner segment of outer wound material..." and "to allow for a substantial physical balance of the electrochemically utilizable active materials thereby resulting in increased output capacity..." See Urry in col. 5 lines 44-47 and col. 1 line 61 et seq.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pat. 6,287,719 B1 to Bailey is cited of cumulative relevance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to be 'P. Ryan', with a large loop at the end.

PATRICK JOSEPH RYAN
SUPERVISORY PATENT EXAMINER